

AUG - 7 2003

Department of Water Resources

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August 6, 2003

Tim Luke
Manager, Water Distribution Section
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: July 10, 2003 Pending Notice of Violation
Our File No. 4562-12

Dear Tim:

Our client, 6X Ranch, has forwarded to me a copy of your July 10, 2003 letter advising Neilsen Ditch water users of IDWR's Pending Notice of Violation for Failure to Maintain Acceptable Lockable Controlling Works ("Notice"). 6X Ranch has water rights that are delivered through the Neilsen Ditch, and has asked me to write to you.

6X Ranch supports IDWR's administration efforts to ensure proper water deliveries to water users on the Big Lost River and its tributaries above Mackay Reservoir. Strict administration is especially critical during drought years such as we have experienced for the past several years. 6X Ranch also believes that the Department should use all available means to ensure that deliveries set by the Watermaster are not tampered with. The Department's Notice appears to be a reasonable approach to those ends.

Because 6X Ranch's water rights are diverted and used immediately above Mackay Reservoir, the use (or potential misuse) of all water rights upstream can have delayed, cumulative, and potentially significant impacts on 6X Ranch's water rights. This could occur because of enlarged or expanded use of existing water rights, and informal or otherwise unapproved transfers of places of use or points of diversion. There is some reason to believe that this is occurring in areas of the upper Big Lost River. These activities not only can adversely impact the water rights of 6X Ranch and others, but also will tend to undermine the intended benefits of the Snake River Basin Adjudication. I am pleased to hear from you that the Department has ordered and will review recent aerial photo-imagery of the Big Lost River Basin to confirm that water right use is consistent with the SRBA partial decrees.

Tim Luke
August 6, 2003
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Thank you in advance for your continued consideration of these issues.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Creamer". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

Michael C. Creamer

cc: Blake Quinn
Karl Dreher
Robert Duke, Water District 34 Watermaster
Ron Carlson

MCC:kdt S:\CLIENTS\4562\12\MCC letter to Tim Luke re NOV DOC